

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

J. SCOTT HODSON
a.k.a. JERRY SCOTT HODSON
42242 Harwick Lane
Temecula, CA 92592

Registered Nurse License No. 555164

Respondent

Case No. 2012-360

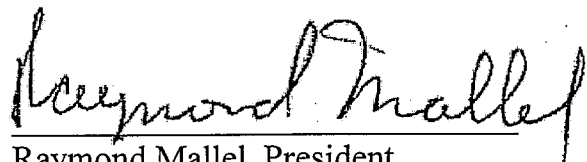
OAH No. 2011120928

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **August 23, 2012.**

IT IS SO ORDERED **August 23, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-360

12 **J. SCOTT HODSON,**
13 **aka JERRY SCOTT HODSON**
14 **42242 Harwick Lane**
Temecula, CA 92592

OAH No. 2011120928

STIPULATED SURRENDER OF
LICENSE AND ORDER

15 **Registered Nurse License No. 555164**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 David E. Hausfeld, Deputy Attorney General.

25 2. J. Scott Hodson, aka Jerry Scott Hodson (Respondent) is represented in this
26 proceeding by attorney Bob Bernstein, whose address is 3727 West Magnolia Boulevard, Suite
27 767, Burbank, CA 91505.

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1 3. On or about May 20, 1999, the Board of Registered Nursing issued Registered Nurse
2 License No. 555164 to J. Scott Hodson, aka Jerry Scott Hodson (Respondent). The Registered
3 Nurse License was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 2012-360 and will expire on April 30, 2013, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 2012-360 was filed before the Board of Registered Nursing (Board),
7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
8 and all other statutorily required documents were properly served on Respondent on December
9 12, 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
10 Accusation No. 2012-360 is attached as Exhibit A and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 2012-360. Respondent also has carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
15 Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
20 the attendance of witnesses and the production of documents; the right to reconsideration and
21 court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 8. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 2012-360, agrees that cause exists for discipline and hereby surrenders his Registered Nurse
28 License No. 555164 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 555164, issued to Respondent J. Scott Hodson, aka Jerry Scott Hodson, is surrendered and accepted by the Board of Registered Nursing.

1 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Board of Registered Nursing.

5 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
6 of the effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
8 issued, his wall certificate on or before the effective date of the Decision and Order.

9 4. If Respondent ever files an application for licensure or petitions for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 2012-360 shall be deemed to be true, correct and admitted by Respondent when
14 the Board determines whether to grant or deny the application or petition.

15 5. If and when Respondent's license is reinstated, he shall pay to the Board costs
16 associated with its investigation and enforcement pursuant to Business and Professions Code
17 section 125.3 in the amount of \$2,842.50. Respondent shall be permitted to pay these costs in a
18 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
19 Board from reducing the amount of cost recovery upon reinstatement of the license.

20 6. If Respondent should ever apply or reapply for a new license or certification, or
21 petition for reinstatement of a license, by any other health care licensing agency in the State of
22 California, all of the charges and allegations contained in Accusation, No. 2012-360 shall be
23 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
24 Issues or any other proceeding seeking to deny or restrict licensure.

25 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
26 years from the effective date of the Board of Registered Nursing's Decision and Order.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order and have fully
3 discussed it with my attorney, Bob Bernstein. I understand the stipulation and the effect it will
4 have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order
5 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
6 Board of Registered Nursing.

7 DATED: _____

8 J. SCOTT HODSON,
9 aka JERRY SCOTT HODSON
Respondent

10 I have read and fully discussed with Respondent J. Scott Hodson, aka Jerry Scott Hodson
11 the terms and conditions and other matters contained in this Stipulated Surrender of License and
12 Order. I approve its form and content.

13 DATED: _____

14 BOB BERNSTEIN
15 Attorney for Respondent

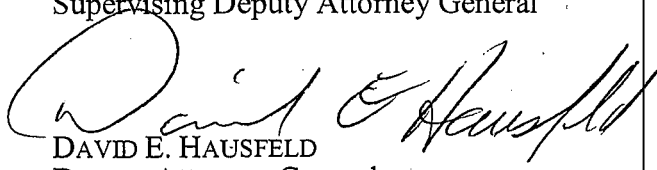
16 ENDORSEMENT

17 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
18 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

19 Dated: 6/5/12

Respectfully submitted,

20 KAMALA D. HARRIS
21 Attorney General of California
22 JAMES M. LEDAKIS
Supervising Deputy Attorney General

23 
24 DAVID E. HAUSFELD
25 Deputy Attorney General
26 Attorneys for Complainant

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Exhibit A

Accusation No. 2012-360

1 KAMALA D. HARRIS
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2 LINDA K. SCHNEIDER
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3 State Bar No. 101336
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Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2012-360*

12 **J. SCOTT HODSON**
13 **aka JERRY SCOTT HODSON**
14 **42242 Harwick Lane**
Temecula, CA 92592

A C C U S A T I O N

15 **Registered Nurse License No. RN 555164**

16 **Respondent.**

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about May 20, 1999, the Board of Registered Nursing issued Registered Nurse
24 License Number RN 555164 to J. Scott Hodson, also known as Jerry Scott Hodson (Respondent).
25 The Registered Nurse License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on April 30, 2013, unless renewed.

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on

1 appeal, or when an order granting probation is made suspending the imposition of
2 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
3 the Penal Code.

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5 8. Section 493 of the Code states:

6 Notwithstanding any other provision of law, in a proceeding conducted by a
7 board within the department pursuant to law to deny an application for a license or to
8 suspend or revoke a license or otherwise take disciplinary action against a person who
9 holds a license, upon the ground that the applicant or the licensee has been convicted
10 of a crime substantially related to the qualifications, functions, and duties of the
11 licensee in question, the record of conviction of the crime shall be conclusive
12 evidence of the fact that the conviction occurred, but only of that fact, and the board
13 may inquire into the circumstances surrounding the commission of the crime in order
14 to fix the degree of discipline or to determine if the conviction is substantially related
15 to the qualifications, functions, and duties of the licensee in question.

16 As used in this section, "license" includes "certificate," "permit," "authority,"
17 and "registration."

18 9. Section 2761 of the Code states:

19 The board may take disciplinary action against a certified or licensed nurse or
20 deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct, which includes, but is not limited to, the
22 following:

23

24 (f) Conviction of a felony or of any offense substantially related to the
25 qualifications, functions, and duties of a registered nurse, in which event the record of
26 the conviction shall be conclusive evidence thereof.

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28 10. Section 2765 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere
made to a charge substantially related to the qualifications, functions and duties of a
registered nurse is deemed to be a conviction within the meaning of this article. The
board may order the license or certificate suspended or revoked, or may decline to
issue a license or certificate, when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the
provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
guilty, or dismissing the accusation, information or indictment.

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REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

12. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

COSTS

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (May 27, 2010 Criminal Conviction for Unlawful Sex with a Minor)

3 14. Respondent has subjected his license to disciplinary action under sections 490 and
4 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
5 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
6 follows:

7 a. On or about May 27, 2010, in a criminal proceeding entitled *People of the State*
8 *of California v. Jerry Scott Hodson*, in Riverside County Superior Court, case number
9 SWF10000500, Respondent was convicted on his plea of guilty of violating Penal Code section
10 261.5, subdivision (c), sexual intercourse with a minor, a felony. The plea agreement dismissed
11 additional felony counts of oral copulation with a minor (Pen. Code, § 288a(b)), and forcible
12 sexual penetration of a minor (Pen. Code, § 289(a)(1)).

13 b. As a result of the conviction, on or about June 25, 2010, Respondent was
14 granted three years formal probation, and ordered to serve 365 days in the custody of the
15 Riverside County Sheriff (straight time), with credit for one day. Respondent was further ordered
16 to pay fees, fines, and restitution, participate in a counseling/rehabilitation program, and comply
17 with the terms of felony probation. A criminal protective order was issued for Respondent's
18 victim.

19 c. The facts that led to the conviction are that on or about November 4, 2009, the
20 Riverside County Sheriff's Department received a report from a male who had been renting a
21 room from Respondent. The male reported that Respondent had been having sex with his minor
22 daughter while living in Respondent's home. The minor female told investigators that during the
23 month of August 2009, while she had been staying with her father at Respondent's house, she
24 engaged in several acts of sex with Respondent. The incidents occurred while the victim's father
25 was at work and Respondent's wife was asleep. After the victim failed to answer text messages
26 he had sent her one evening, Respondent became angry and threatened to evict her and her father.
27 After that, the victim complied with Respondent's demands for sex. The victim reported 12 to 15
28 incidents of sexual intercourse with Respondent before she and her father moved out in

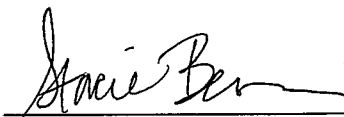
1 September 2009. On or about December 2, 2009, the detective assigned to the investigation set
2 up a pretext telephone call between the victim and Respondent. During the telephone call with
3 his victim, Respondent admitted that he knew the victim was a minor, that he recalled incidents of
4 their sexual contact, and that he was inclined to have sex with the victim again. On December 21,
5 2009, Respondent was arrested by the Riverside County Sheriff's Department after he admitted to
6 investigators that he had sexual intercourse with the minor, that he had digitally fondled her
7 genitals, and that he had her perform oral sex on him.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number RN 555164, issued to J.
12 Scott Hodson, also known as Jerry Scott Hodson;
13 2. Ordering J. Scott Hodson to pay the Board of Registered Nursing the reasonable costs
14 of the investigation and enforcement of this case, pursuant to Business and Professions Code
15 section 125.3;
16 3. Taking such other and further action as deemed necessary and proper.
17

18
19 DATED: December 12, 2011

20 
21 for LOUISE R. BAILEY, M.ED., RN
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant
27
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